

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SUSAN P. GRABOWSKI,

Plaintiff(s),

vs.

CAROLYN W. COLVIN,
 Acting Commissioner of Social Security,

Defendant(s).

Case No. 2:16-cv-01654-JAD-NJK

ORDER

On July 19, 2016, the Court screened Plaintiff's complaint and found that it failed to allege that the case had been commenced in a timely manner. Docket No. 2 at 3. Plaintiff was required to file an amended complaint to cure that deficiency. *See id.* To date, Plaintiff has not filed an amended complaint. Nonetheless, Plaintiff did file a motion to extend the time to do so that attached the Appeals Council decision denying her request for review. Docket No. 4 at 5.¹ That decision is dated May 9, 2016, and provides that Plaintiff had 65 days to commence this action. *See id.* As a result, it appears this case was timely commenced on July 13, 2016.

While Plaintiff did not comply with the order to provide that information in the form of an amended complaint, the Court is mindful of Plaintiff's *pro se* status and finds it in the interest of justice to construe her motion to extend time as a motion to reconsider the screening order at Docket No. 2. Given Plaintiff's submission of the Appeals Council decision, the Court will allow this case to proceed past the screening stage.

¹ The extended deadline was set at September 15, 2016, which has also expired. Docket No. 5.

Accordingly, the Court hereby **ORDERS** as follows:

1. The Clerk of the Court shall serve the Commissioner of the Social Security Administration by sending a copy of the summons and Complaint by certified mail to: (1) Office of Regional Chief Counsel, Region IX, Social Security Administration, 160 Spear St., Suite 899, San Francisco, California 94105-1545; and (2) the Attorney General of the United States, Department of Justice, 950 Pennsylvania Avenue, N.W., Room 4400, Washington, D.C. 20530.
2. The Clerk of Court shall issue summons to the United States Attorney for the District of Nevada and deliver the summons and Complaint to the U.S. Marshal for service.
3. From this point forward, Plaintiff shall serve upon Defendant or, if appearance has been entered by counsel, upon the attorney, a copy of every pleading, motion or other document submitted for consideration by the court. Plaintiff shall include with the original paper submitted for filing a certificate stating the date that a true and correct copy of the document was personally served or sent by mail to the defendants or counsel for the defendants. The court may disregard any paper received by a district judge or magistrate judge which has not been filed with the Clerk, and any paper received by a district judge, magistrate judge or the Clerk which fails to include a certificate of service.

IT IS SO ORDERED.

DATED: December 28, 2016



NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE